

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

NOV 21 2012

The Honorable Rush Holt
United States House of Representatives
Washington, D.C. 20515-0001

Dear Representative Holt:

Thank you for your October 19, 2012 letter regarding the use of the polygraph as a personnel security vetting tool. I want to assure you that I have taken a number of actions, which are outlined below, to ensure oversight and appropriate use of the polygraph by the executive branch in support of personnel security clearance and sensitive access determinations.

In late July 2012, I directed an evaluation of the current use of federal personnel security polygraph programs to determine the types of polygraphs conducted and reasons for use. The results of that evaluation highlighted some inconsistencies and lack of uniformity that led to my decision to generate a national polygraph policy. I convened an interagency Polygraph Expert Working Group to develop policy, which includes a requirement for signed consent by the examinee prior to each polygraph session, uniformity of topics that may be covered, and standardized training and certification for polygraph examiners. I am coordinating the draft policy throughout the executive branch and anticipate issuing the new policy by February 2013.

I have also issued two important memorandums on standardization and proper oversight of polygraph programs for agencies authorized to use the tool. My July 13, 2012 memorandum standardizes how unauthorized disclosure is addressed during the polygraph process, and my September 20, 2012 memorandum to the executive branch, endorses the National Center for Credibility Assessment (NCCA) as the lead entity for polygraph examiner education and training, quality assurance, and credibility assessment research. NCCA maintains a Quality Assurance Program to inspect federal polygraph programs to ensure the highest ethical, professional, and technical standards.

NCCA also has a leading role in identifying, assessing, and implementing polygraph techniques in emerging technologies. Research has produced incremental improvements of the polygraph, but we continue to look for a replacement that is less intrusive. As new methods meeting scientific, ethical, and legal standards develop, we will incorporate them into the personnel security process. Meanwhile we are making every effort to standardize fair and effective methods.

As you noted, McClatchey News Services published a series of articles that allege abuse of the polygraph by the National Reconnaissance Office (NRO). The NRO took the allegations seriously and immediately conducted a review to determine the validity of the claims. They found them to be misleading, unwarranted or baseless.

The Honorable Rush Holt

The NRO is authorized to conduct counterintelligence-scope and specific-issue polygraphs for persons who require and hold NRO access in accordance with Department of Defense Instruction 5210.91, *Polygraph and Credibility Assessment (PCA) Procedures*. If, during a polygraph examination, an examinee self reports information that falls within the adjudicative guidelines of Intelligence Community Directive 704, *Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and other Controlled Access Program Information*, the NRO is obligated to pursue and resolve those issues. This could potentially include issues beyond the standard counterintelligence-scope questions. However, the NRO has emphasized that the examinee would have had to initiate such admissions.

The NRO polygraph program was reviewed by the NCCA in November 2011 and deemed fully compliant with all DoD regulations regarding records and data collected, and retained during and after examinations. Nonetheless, following the claims in the McClatchey articles, the Director of the NRO requested a special review of the program by the NRO's Inspector General that is currently underway. In addition, representatives from the NRO's Office of Security and Counterintelligence and the Office of General Counsel briefed the HPSCI, SSCI, the HASC, and HAC-D on these concerns in July 2012. The briefings addressed the same concerns raised in your letter and concluded with no unresolved issues.

If you or your staff has questions, please contact Deborah Barger, Director of Legislative Affairs, at (703) 275-2473 or deborahb@dni.gov.

Sincerely,


James R. Clapper

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OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
WASHINGTON, DC 20511

30 November 2012

The Honorable Rush Holt
1214 Longworth Building
United States House of Representatives
Washington, DC 20515

Dear Congressman Holt:

(U//FOUO) Thank you for your letter requesting that my office conduct an investigation into the validity of claims made by the McClatchy News Service in a series of articles published in July 2012 related to the polygraph process utilized by the National Reconnaissance Office (NRO). As you may be aware, the NRO Office of the Inspector General (OIG) is reviewing matters similar to those you address in your letter. The IC IG is assisting the NRO OIG with this review.

(U//FOUO) Given that the NRO OIG initiated a similar review in which we are assisting, my office does not plan to conduct an investigation into these matters. If you have any questions, please contact my Legislative Counsel, Melissa Wright, at 703-482-4955.

Sincerely,

A handwritten signature in black ink, reading "I. Charles McCullough, III".

I. Charles McCullough, III
Inspector General of the Intelligence Community

cc: Inspector General, National Reconnaissance Office

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